

## **REMARKS**

Reconsideration of the application is respectfully requested.

### **I. STATUS OF THE CLAIMS**

Claims 1-3, 5-10, 12-16, and 20 are pending in the application, with claims 4, 11, 17, 18, and 19 having previously been canceled without prejudice or disclaimer.

Applicant cancels claim 12 without prejudice or disclaimer, and amends claims 1, 9, 10, 12, 13, 14 and 20. No new matter is introduced. Support for the amendments may be found, for example, with reference to Applicant's specification at page 24, line 5 through page 27, line 6, and with reference to FIGs. 7 and 8.

### **II. EXAMINER INTERVIEW**

Applicant thanks Examiners Gebremichael and Saadat for participating in a telephone interview with Applicant's representative on December 29, 2009. Applicant's representative described an aspect of the present invention in which second identification information of a movable machine in a game device is transmitted together with first identification information of the movable machine prior to transmitting game operation data of a control signal together with the first identification information, and matched with second identification information and first identification information stored by the movable machine so that remote control of the movable machine based on later-transmitted game operation data of a control signal transmitted with first identification information can be prohibited when the first-transmitted second identification information and first identification information does not match the second identification information and first identification information stored by the movable machine. Applicant thanks the Examiners for pointing out certain ambiguities in the claim language which Applicant has addressed by claim amendments as further described herein.

### **III. REJECTIONS UNDER 35 U.S.C. 112**

Claims 1 – 3, 5 – 9, 13 – 16 and 20 are rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement. Specifically, the Examiner finds that the claim language requiring transmission of the control signal with the first identification information only after the transmission of the second identification information is not supported by the specification, because the initial data including both the first and second identification information can be considered to be a control signal. Applicant amends the claims to make clear that the control system specifically includes game operation data, and to indicate that the information transmitted before the control signal includes both first and second identification information.

Therefore, Applicant respectfully requests that the rejections of claims 1 – 3, 5 – 9, 13 – 16 and 20 under the first paragraph of 35 U.S.C. § 112 be withdrawn.

### **IV. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,888,135 to Barton, Jr. et al. (“Barton”). Claims 1 – 3, 5 – 9, 13 – 16 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of U.S. Patent Publication No. 2003/0060287 to Nishiyama (“Nishiyama”). Applicant respectfully traverses the rejections of claims 1 – 3, 5 – 10, 13 – 16 and 20 under 35 U.S.C. § 103(a).

The Examiner suggests that Barton discloses each of the claimed features with the exception of a recording medium existing independently of the transmitter and movable machine, and introduce Nishiyama only for the purpose of teaching such a medium. More specifically, the Examiner suggests that Barton teaches first identification information and second identification stored by the transmitter (Col. 8: 29 – 38) and second information stored by the movable machine (FIG. 3, reference numerals 128 - 132) that are used by the movable machine to discriminate whether or not remote control is allowed by the transmitter. Applicant respectfully disagrees.

Barton discloses a toy system in which a key 150 can be set to identify a vehicle 12 by inserting the key 150 into a slot in the vehicle 12. When an address included in a signal transmitted by a pad 42 coincides with an address indicated by the key 150, the vehicle 12 is associated with the pad 42 and remote controllable by commands issued by the pad 42. However, and in contrast to Applicant's invention as claimed in amended independent claim 1, the key 150 (and its associated address) is not uniquely associated with a particular vehicle. Rather, it can be applied to any vehicle having a corresponding key slot. This deficiency in Barton is not overcome with the addition of Nishiyama.

Applicant describes the problem solved by this element of the claimed invention, for example at page 1, line 26 through page 2, line 10 of the specification:

In the remote control system, however, it becomes possible to control a certain movable machine even when a transmitter other than a transmitter having performance information corresponding to the movable machine is used. Because a combination of a transmitter and a receiver is managed by ID information alone and consequently it is impossible for a movable machine to discriminate a transmitter when ID information is the same. Therefore, a movable machine having performance different from that of a movable machine provided on the system is established. Especially if a movable machine having high performance alone is established, a fair fighting game cannot be played, resulting in a hindrance.

Moreover, and in sharp contrast to Applicant's claimed invention, Barton does not teach that the movable machine verifies both the key 150 and another identifier (for example, a pad address) before permitting the vehicle 12 to be controlled by a control signal including game operation data and the other identifier (i.e., the pad address). Rather, the vehicle 12 simply responds to commands received together with the key 150 (see, e.g., Col.14: 66 – Col. 15:2 of Barton). This deficiency is not overcome with the addition of Nishiyama.

Accordingly, for at least the above-argued reasons, Applicant submits that amended independent claim 1 is not obvious in view of the cited references and stands in condition for allowance. As amended independent claims 10, 13, 14 and 20 essentially include the elements of allowable independent claim 1 that distinguish over the cited references, Applicant submits that

independent claims 10, 13, 14 and 20 are also allowable for at least the same reason. As claims 2, 3, 5 – 9, 12, 15 and 16 each depend from one of allowable independent claims 1, 10 and 14, Applicant submits that dependent claims 2, 3, 5 – 9, 12, 15 and 16 are also allowable for at least this reason.

Therefore, Applicant respectfully requests that the rejections of claims 1 – 3, 5 – 10, 12 – 16 and 20 under 35 U.S.C. § 103(a) be withdrawn.

### CONCLUSION

In view of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

It is believed that no fee is required for these submissions. Should the U.S. Patent and Trademark Office determine that additional fees are owed or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

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Respectfully submitted,

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